

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**UNITED STATES OF AMERICA, *ex rel.*
TEITALBAUM,**

Plaintiffs,

v.

ALASKA AIRLINES, *ET AL.*,

Defendants.

Civil Action No. 04-12450-MEL

MOTION TO DISMISS BY HAWAIIAN AIRLINES, INC.

Defendant Hawaiian Airlines, Inc. (referred to herein as “Hawaiian” or the “Reorganized Debtor”) hereby moves this Court to dismiss, as to Hawaiian, the *qui tam* amended complaint (the “Amended Complaint”) in this action. As grounds for its Motion, as more fully stated in the accompanying Memorandum of Law, Hawaiian filed for bankruptcy protection on March 21, 2003 and, following the confirmation of a chapter 11 plan of reorganization, was discharged from all of its debts -- including the claims by Jennifer L. Teitelbaum (“Relator”) -- by order dated May 18, 2005. The effect of the discharge granted to Hawaiian under 11 U.S.C. §§ 524 and 1141 enjoins this lawsuit and mandates dismissal with prejudice as to Hawaiian.

WHEREFORE, for the reasons set forth above and in the accompanying Memorandum of Law, Hawaiian respectfully requests that the Amended Complaint be dismissed as to Hawaiian *with* prejudice.

Respectfully submitted,



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Dated: February 13, 2006

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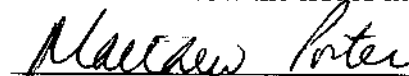
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Attorneys for Reorganized Debtor Hawaiian Airlines, Inc.

LOCAL RULE 7.1(A)(2) CERTIFICATION

I hereby certify that counsel for Reorganized Debtor Hawaiian Airlines, Inc. conferred with counsel for the plaintiff in a good faith effort to resolve or narrow the issues in dispute but was unable to do so.



Matthew A. Porter

February 13, 2006